

**WASHINGTON STATE BOUNDARY REVIEW BOARD
FOR KING COUNTY**

REGULAR MEETING MINUTES

April 20, 2006

**Newport Way Public Library
Bellevue, Washington**

I. CALL TO ORDER

Chair Charles Booth convened the meeting at 7:00 P.M.

II. ROLL CALL

Evangeline Anderson	Robert Cook
A. J. Culver	Lynn Guttman
Ethel Hanis	Claudia Hirschey
Roger Loschen	Michael Marchand
Judy Tessandore	
Robert George (Guest):	

III MINUTES

A. REGULAR MEETING:

Chair Booth presented the minutes of the Regular Meeting of February 10, 2006 for review and action by the Board members.

Action: Ethel Hanis moved and Judy Tessandore seconded the motion to adopt the minutes of the Regular Meeting of February 10, 2006. The Board members voted nine in favor of approval of this record. Michael Marchand abstained as he did not attend the meeting.

B. SPECIAL MEETING/PUBLIC HEARING - FILE NO. 2197 (MARCH 20, 2006) – PENDING:

Lenora Blauman reported that the Special Meeting/Public Hearing Minutes of March 20, 2006 for File No. 2197 are being prepared at the present time. These documents will be presented to the Boundary Review Board for consideration and action by no later than the Regular Meeting of June 8, 2006.

C. SPECIAL MEETING/PUBLIC HEARING - FILE NO. 2194 (MARCH 27 - 30, 2006) – PENDING:

Lenora Blauman reported that the Special Meeting/Public Hearing Minutes of March 27 – March 30, 2006 for File No. 2194 are being prepared at the present time. These documents will be presented to the Boundary Review Board for consideration and action by no later than the Regular Meeting of June 8, 2006.

IV. SCHEDULING OF PUBLIC HEARING

File No. 2231 City of Renton – East Renton Plateau

The City of Renton proposes to annex approximately 1475 acres of land within the jurisdiction's Potential Annexation Area. The East Renton Plateau Annexation is being proposed under a petition/election method. Citizens have petitioned the City of Renton at this time to annexation the jurisdiction in order to participate in a local government and to ensure coordinated public facilities and services to the existing and potential future residents of this community.

The City of Renton is seeking a Public Hearing before the Boundary Review Board to enable citizens to review the proposed East Renton Plateau Annexation under the aegis of an independent agency. Under the proposed annexation, the City will also conduct an election

to enable each citizen to make a decision as to whether to annex to Renton.

Lenora Blauman stated that, with the consent of the Boundary Review Board, a Public Hearing for the East Renton Plateau Annexation will be scheduled for June 14, 2006 and to continue (if necessary) to June 15, 2006. Legal notices and posters will be provided for that hearing in accord with RCW 36.93. A complete packet will be provided to the Board approximately one week prior to the Public Hearing.

V. ADMINISTRATION

A. CHAIR'S REPORT

General Business:

Chair Charles Booth and Lenora Blauman reported that the Board is currently working on several projects including: (1) coordinating programs with King County Executive/Council Work Program; (2) coordinating activities with the State Association to establish Work Program at Interim Legislature 2006 and Legislature 2007; (3) administration of the proposed Boulevard Park Incorporation; (4) pre-development review for future Notices of Intention; and (5) monitoring of the Year 2006 Budget and planning for Year 2007 Budget Proposal. Committee members and staff will report on these activities.

Resignation of Angela Brooks

Charles Booth reported, with regret, the resignation of Angela Brooks. Ms. Brooks will be relocating to Illinois. As Ms. Brooks has been serving on the Board as an appointee of the King County Executive, Lenora Blauman has been working with the Office of the King County Executive to secure a new member to serve on the Board.

Report from Robert Kaufman (Special Assistant Attorney General):

- File No. 2168: City of Redmond NE Rose Hills II: This action has been under consideration by the Washington State Court of Appeals. The Court of Appeals requested that the case be forwarded to the Washington State Supreme Court.

The Supreme Court has agreed to consider the matter – which is focused upon the question of authority provided to the Boundary Review Board to expand annexation areas under RCW 36.93.150, *et seq.*

The Supreme Court has agreed to hear the case. It is anticipated that key issues will relate to the facts of the law related to Boundary Review Board authorities and to the overarching impacts on the quasi-judicial responsibilities of the Boundary Review Board. Depending upon the nature and scope of the review and decision making undertaken by the Court, the matter may precedent setting in the State of Washington.

Oral arguments are scheduled for June 13, 2006. Following that hearing Mr. Kaufman will notify the Board of the status of this matter.

- File No. 2199: City of Renton Anthone Annexation: This action is currently under consideration by the King County Superior Court. The plaintiffs (property owners in the Anthone Annexation area) are seeking rezoning of their properties by the City of Renton. The Boundary Review Board is a party to the matter as a result of the Board's action to approve the Anthone Annexation. The case has been held in abeyance for some time based upon reported communications between the City of Renton and the plaintiff in an effort to resolve questions related to zoning.

The negotiations have apparently failed and so the case has been reactivated. While the Board is not a central party to the action, the Board is a named defendant, and so Mr. Kaufman will serve as counsel in this matter. Records are being provided to the Court. Hearing dates will be scheduled in the foreseeable future.

B. Committee Reports

Legislative Committee: Charles Booth and Lenora Blauman reported that Legislature 2006 adopted no legislation directly relating to annexation policies or procedures.

Legislature 2006 did adopt SB 6686 which creates a method which cities may utilize to implement a city wide sales tax of .01 cent (for Annexation Areas over 10,000 population) or .02 cents (Annexation Areas over 20,000 population) to fund necessary services to support annexation of established Potential Annexation Areas. This sales tax would be allowed as a credit against the current state sales tax, making no actual increase in tax to city residents. The tax is capped at a level suitable to meet the service needs of the newly proposed annexation area. Funds will be available for a ten year period. The bill was sought by – and will most frequently be utilized by jurisdictions within – King County.

The Boundary Review Board State Association is presently developing a plan with Michael Shaw (Association Legislative Consultant) to work with the House Local Government Committee and the Senate Government Operations Committee for matters coming before the Interim 2006 Session and for Legislature 2007. More specifically, Shaw will attend the Interim Session meetings and will be alert for bills concerning annexations, special purpose districts, or interlocal agreements. He will work with Association members to develop position statements as appropriate to any Interim Sessions.

It is likely that, for Legislature 2007, Mr. Shaw will be working with committees which have membership that is different from the membership roster in place during this Interim Session. Committee assignments may change as new legislators are elected and due to the evolution of interests of existing legislators.

Legislature 2007 (which meets for 120 days) will be giving substantial consideration to numerous bills relating to annexation. It is anticipated that the Legislature will consider both new bills and a number bills introduced in 2006 (but which failed to move forward to the full Legislature).

The King County Council is establishing a Legislative Work Program which includes bills that support the King County Annexation Initiative. More specifically King County will continue to support legislation providing funding for cities to address capital infrastructure improvements. The County is also seeking legal authority to transfer surface water management facilities, properties and local parks facilities and properties to local cities at the time of annexation/incorporation. To date, there is no bill under consideration that would affect the review requirements for proposals to create or change municipal boundaries or special purpose district boundaries.

The Association will be meeting as necessary with Michael Shaw. Reports will be provided to each Boundary Review Board.

Budget Committee:

2006 Funding Report: AJ Culver and Lenora Blauman reported that, to date, the Board is successfully functioning within the limits of the funding provided by King County for the 2006 budget. These funds were anticipated to be sufficient to fund standard expenditures for up to approximately 35 Notice of Intention for annexations (including 6 public hearings) and to review the proposed Fairwood incorporation.

Based upon the fact that there has been a substantial increase in Notices of Intention and a substantial increase in public hearings for annexation, particular attention is being directed to funds administration. Every effort will be made to manage funds so that the existing budget is sufficient for 2006. However, if the number of Notice of Intentions continues to increase, then a supplemental budget request may be required to enable the Boundary Review Board to fulfill its statutory responsibilities.

The Board staff will work with the Board Budget Committee to monitor the 2006 Budget.

2007 Funding Proposal: Boundary Review Board staff is beginning to prepare the Year 2007 Budget Proposal. Budget requirements must be based upon the number and complexity of Notices of Intention likely to come before the Boundary Review Board. Utilizing 2005 and 2006 as models for funding requirements, there may be a need to seek increased basic funding to address administrative requirements (e.g., legal notices, court reporting), for staffing services, and for retainers for legal counsel. The Board staff will work with the Board Budget Committee to develop a formal Year 2007 Budget Proposal.

C. Executive Secretary's Report

Fairwood Incorporation Proposal (File No. 2194): Lenora Blauman reported that Berk and Associates has prepared the supplemental documentation requested by the Board for utilization at the Special Meeting of May 8, 2006 for the deliberation and preliminary decision making for the proposed incorporation of a new City of Fairwood. These documents were submitted on April 7, 2006 and will be distributed to the Boundary Review Board on approximately May 1, 2006.

Other materials have also been provided by the Fairwood Task Force and by community stakeholders. These documents were also submitted on or before the authorized due date of April 7, 2006. The materials will be distributed to the Boundary Review Board on approximately April 28, 2006.

Blauman reported that some Board members have expressed an interest in touring the proposed Fairwood Incorporation Area. All persons interested in such a tour are requested to immediately notify Mrs. Blauman.

Maplewood Addition Annexation Proposal (File No. 2197): Lenora Blauman reported that Berk and Associates is preparing the supplemental documentation requested by the Board for utilization at a Public Hearing of May 4, 2006 for the proposed annexation. These documents will be submitted to the Board on April 21, 2006. These materials will be distributed to the Boundary Review Board on approximately April 27, 2006.

Other materials may also be provided by various community stakeholders. These documents must be submitted on or before April 21, 2006 and will be distributed to the Boundary Review Board on approximately April 27, 2006.

File No. 2222 City of Renton – Querin Annexation

Mrs. Blauman reported that, at the request of the City of Renton, the Board agreed to set a Public Hearing to review the Querin Annexation (7.3 acres). The initial hearing will take place on Tuesday, May 16, 2006. In the event that the Boundary Review Board elects to consider a request by the City of Renton to expand the annexation area to 24 acres, a Public Hearing to review this proposed expansion will take place on May 22, 2006.

Blauman reported that some Board members have expressed an interest in touring the proposed Querin Annexation Area. All persons interested in such a tour are requested to immediately notify Mrs. Blauman.

Washington State Boundary Review Board Association Spring Training Workshop: Mrs. Blauman reported that the Washington State Boundary Review Board Association Spring Training Workshop will take place on May 10, 2006 in Ellensburg, Washington. The Agenda includes excellent presentations both for incoming Board members and for more experienced members. The Association will also be welcoming members of new Boards from Lewis County, Clallam County, and Franklin County.

All Board members are encouraged to attend this professional program. Interested persons should notify Reggie Holmes by April 24, so that registrations can be completed and arrangements be provided for ride sharing to this event.

King County Council – Regional Policy Committee/Suburban Cities Association: Lenora Blauman reported that the King County Council – Regional Policy Committee and the Suburban Cities Association are planning to develop a Work Program for 2006 that includes consideration of incentives to be provided by King County to encourage local governments to annex unincorporated lands. The Work Program is to be formally established in the near future.

Blauman is coordinating with King County Council staff to ensure that the Boundary Review Board is fully informed of the Work Program. Efforts are also underway to determine whether/how Board representatives might appropriately assist in design and implementation of this Work Program.

North Highline: Citizens of the North Highline Area continue to meet with King County officials, with representatives of Seattle and Burien, and with special purpose district providers to consider option for future governance of their area. There remains considerable division of opinion in the North Highline Area. Some citizens prefer annexation to Burien. Others prefer annexation to Seattle. Some citizens would prefer to incorporate as a new city. Some citizens prefer to remain in unincorporated King County.

On April 7, 2006 citizens of Boulevard Park, a neighborhood within the North Highline District, submitted a Notice of Intention to incorporate their community as the District of Duwamish (DODAH).

This Notice of Intention was substantially flawed and, therefore, is not considered to be an official application. Proponents of DODAH will be meeting with Mrs. Blauman, with Elissa Benson, and with Ann Noris (King County Council Clerk) to determine the corrections necessary to ensure that the Notice of Intention is complete and correct. DODAH proponents, when advised of the true statutory requirements for incorporation (e.g., RCW 35.02; RCW 36.93), will determine whether or to continue to prepare a Notice of Intention for Incorporation.

In the event that a new Notice of Intention to Incorporate is submitted, the Board will be required (pursuant to RCW 35.02) to conduct a public information meeting within 30 days of the receipt of the official submittal. Blauman will notify the Board, as appropriate, of the status of this pending application.

Klahanie Annexation:

Blauman stated that the Issaquah City Council is reportedly placing on hold plans to annex the Klahanie Area because the citizens of that area did support annexation but rejected participation in the bonded indebtedness of the City.

The City wishes to direct immediate efforts to planning and securing funding for improvements to Issaquah-Fall City Road which are considered prerequisite to annexation of the Klahanie community. However, City officials are reportedly willing to work with Klahanie citizens groups which may seek annexation prior to the completion of the upgrading of Issaquah-Fall City Road.

D. CORRESPONDENCE

General correspondence was reviewed briefly. No questions or issues were raised with respect to the substance of the general correspondence.

VI NEW BUSINESS

A. NOTICES OF INTENTION

File No. 2227: Southwest Suburban Sewer District – Gregory Heights Annexation – Division No. 3

Mrs. Blauman reported that the Southwest Suburban Sewer District proposes to annex 19 acres of land within the City of Burien. The District initiated this annexation proposal based on a petition by property owners. The purpose of the annexation is to permit sewer service to existing and future permitted residential development. The Annexation Area is included within the District's Comprehensive Plan.

Board members presented no substantive questions or comments with respect to this proposed annexation.

File No. 2228: Southwest Suburban Sewer District – Woodside-Manhattan Annexation

Mrs. Blauman reported that the Southwest Suburban Sewer District proposes to annex 63 acres of land within the City of Burien. The District initiated this annexation proposal based on a petition by property owners. The purpose of the annexation is to permit sewer service to existing and future permitted residential development. The Annexation Area is included within the District's Comprehensive Plan.

Board members presented no substantive questions or comments with respect to this proposed annexation.

File No. 2229: Val Vue Sewer District Transfer to Midway Sewer District

Mrs. Blauman reported that the Val Vue Sewer District applied to withdraw properties from Val Vue and to transfer those properties to Midway Sewer District to permit sewer services. However, the Midway Sewer District Comprehensive Plan does not include these properties. Thus, the Val Vue District has withdrawn the application pending revisions to the Midway District Comprehensive Plan.

File No. 2230: Sammamish Plateau Water & Sewer District/Union Hill Water Association

Mrs. Blauman reported that the Sammamish Plateau Water & Sewer District and the Union Hill Water Association have come to an agreement to withdraw approximately 15 acres (3 parcels) from the District and to transfer the properties to the Association. The District initiated this annexation proposal based on a petition by property owners.

The proposed transfer is intended to formalize an arrangement (established under an official plan) whereby the Union Hill Association will provide water service to the subject properties. The Association has historically provided water service and reports sufficient resources to continue such service based upon permitted future development. As these properties are located within Rural Unincorporated King County, no sewer services are permitted in the Area.

Board members presented no substantive questions or comments with respect to this proposed annexation.

File No. 2231: City of Renton - East Renton Plateau Annexation

The City of Renton proposes to annex approximately 1475 acres of land within the jurisdiction's Potential Annexation Area. The East Renton Plateau Annexation is being proposed under a petition/election method. Citizens have petitioned the City of Renton at this time to annexation the jurisdiction in order to participate in a local government and to ensure coordinated public facilities and services to the existing and potential future residents of this community.

The City of Renton is seeking a Public Hearing before the Boundary Review Board to enable citizens to review the proposed East Renton Plateau Annexation. The Board has scheduled public hearings for June 13 and June 15, 2006.

File No. 2232: Soos Creek Water and Sewer District – P366-S Annexation

Mrs. Blauman reported that the Soos Creek Water and Sewer District proposes to annex 79 acres of land within the City of Covington. The District initiated this annexation proposal based on a petition by property owners. The purpose of the annexation is to permit the Soos Creek Water & Sewer District to extend sanitary sewer service to the area to serve existing homes and future permitted residential development. The proposed annexation area is addressed in the Soos Creek Water & Sewer District Plan.

Board members presented no substantive questions or comments with respect to this proposed annexation.

File No. 2233: King County Fire Protection District No. 38 – Snoqualmie Hills Annexation Area

Mrs. Blauman reported that the King County Fire Protection District No. 38 proposes to annex 161 acres of land within Unincorporated King County – including both Urban Area and Rural Area. The District initiated this annexation proposal based on a petition by property owners. The purpose of the annexation is to permit the District to extend fire protection and emergency medical service to the area to serve existing homes and future residential development. The District reports sufficient resources to serve the Snoqualmie Hills Annexation Area.

Board members presented no substantive questions or comments with respect to this proposed annexation.

B. PENDING FILES

Auburn	Bellevue	Issaquah
Kirkland	Redmond	Renton (4 files)
Ronald Sewer District	Sammamish	Soos Creek
SW Suburban Sewer District	Tukwila	Woodinville

VII. EXECUTIVE SESSION

No Executive Session was conducted.

VIII. ADJOURNMENT

Action: Michael Marchand moved and Ethel Hanis seconded a motion to adjourn the Boundary Review Board Regular Meeting. The Board voted unanimously in favor of the motion. The meeting was adjourned at 8:15 P.M.

Dear Ethel

To acknowledge all of your talents and gracious efforts on behalf of the Boundary Review Board, we have arranged a special evening on May 1 -- for you and your guest. The program does *not* include a public hearing!

The program does begin with dinner at The Brooklyn (at 6:00 p.m.) The Brooklyn is located at 1212 Second Avenue (at University Street) in downtown Seattle. A gift certificate for "dinner for two" is en route to you. (Parking is available at Benaroya Hall immediately north of The Brooklyn.)

After dinner you and your guest will travel across the street to Benaroya Hall to a Recital featuring the world-famous Watjen Organ. The concert begins at 7:30 p.m.

We hope you enjoy the evening!

(If you have questions, please contact Lenora.)